

ASSEMBLY BILL

No. 1749

Introduced by Assembly Member Mathis

February 2, 2016

An act to amend Section 21080.08 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1749, as introduced, Mathis. California Environmental Quality Act: exemption: recycled water pipelines.

Existing law, the California Environmental Quality Act (CEQA), requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA exempts from its requirements projects consisting of the construction or expansion of recycled water pipeline and directly related infrastructure within existing rights of way, and directly related groundwater replenishment, if the project does not affect wetlands or sensitive habitat, and where the construction impacts are fully mitigated, and undertaken for the purpose of mitigating drought conditions for which a state of emergency was proclaimed by the Governor on a certain date. CEQA provides that this exemption remains

operative until the state of emergency has expired or until January 1, 2017, whichever occurs first.

This bill would extend that date to January 1, 2022.

Because a lead agency's duty to determine the applicability of this exemption would potentially be extended, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21080.08 of the Public Resources Code
2 is amended to read:

3 21080.08. (a) This division does not apply to a project that
4 satisfies both of the following:

5 (1) The project is approved or carried out by a public agency
6 for the purpose of mitigating drought conditions for which a state
7 of emergency was proclaimed by the Governor on January 17,
8 2014, pursuant to Chapter 7 (commencing with Section 8550) of
9 Division 1 of Title 2 of the Government Code.

10 (2) The project consists of construction or expansion of recycled
11 water pipeline and directly related infrastructure within existing
12 rights of way, and directly related groundwater replenishment, if
13 the project does not affect wetlands or sensitive habitat, and where
14 the construction impacts are fully mitigated consistent with
15 applicable law.

16 (b) This section shall remain operative until the state of
17 emergency due to drought conditions declared by the Governor in
18 the proclamation issued on January 17, 2014, has expired or until
19 January 1, ~~2017~~, 2022, whichever occurs first, and as of January
20 1, ~~2017~~, 2022, is repealed unless a subsequent statute amends or
21 repeals that date.

22 SEC. 2. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 a local agency or school district has the authority to levy service

- 1 charges, fees, or assessments sufficient to pay for the program or
- 2 level of service mandated by this act, within the meaning of Section
- 3 17556 of the Government Code.

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